REMARKS

I. Status of the Claims

Claims 1-39 are currently pending in this Application, with claims 15-34 being withdrawn. Claims 1, 3-8, and 10-14 are amended, and Claims 35-39 are new. No new matter was added.

II. Interview Request

Applicants expressly request an interview with the Examiner in advance of preparation of an Office Action in reply to the present response. The Applicants' representative Monika Dudek may be reached at 312-476-1118.

III. Claim Rejection under 35 U.S.C. § 102(e)

In the Final Office Action of August 14, 2008, Claims 1-12 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Cha (U.S. Publication No. 2003/0126069). The Office maintained the rejections in the Advisory Action of December 15, 2008. To advance the prosecution of this Application, Applicants address the rejection herein in view of the amended claims.

As discussed in MPEP § 2131, to anticipate a claim, the reference must teach every element of the claim and that the "identical invention must be shown in as complete detail as contained in the ... claim." Applicants respectfully submit that Cha does not teach or suggest the entirety of the limitations recited in the pending claims for at least the reasons discussed below.

Applicants respectfully submit that Cha fails to disclose at least the following features of amended Claim 1:

> receiving a news data feed originating from a source other than an exchange, wherein the news data feed provides an actual event value for a news event, wherein the actual event value is to be announced at a later time;
>
> receiving an estimated event value for the news event prior to announcement of the actual event value;
>
> defining a first trading strategy comprising a first plurality of trading rules to be executed based on a comparison of the estimated event value to the actual event value; and

selecting a trading rule of the first plurality of trading rules corresponding to the first trading strategy based on a comparison of the actual event value to the estimated event value.

First, Applicants respectfully submit that Cha fails to disclose receiving a news data feed originating from a source other than an exchange, and setting trading strategies with trading rules to be executed based on event values provided in the news data feed. For this reason alone, Applicants believe that Claim 1 is allowable over the cited art.

Second, as previously submitted by Applicants, Cha does not disclose selecting a trading rule from a plurality of trading rules to be executed. Rather, Cha is related to an automatic ordering method using automatic trading conditions that are executed sequentially. According to paragraph 69 in Cha, the selling order of the first automatic condition is generated right after the initial trade is contracted. Then, according to paragraph 71 in Cha, as soon as the first trade is concluded, the next condition is triggered and a second order is created based on the next condition. In other words, the automatic trade condition in Cha operates as a *single* trading rule.

In the Advisory Action, the Office asserts that, according to paragraphs 76 and 77, "Cha teaches comparing the current price to the estimated values and only then executing the rules of the trading strategy." The Office continues "[b]uying or selling are two possibilities based on the comparison." Applicants respectfully disagree with the Office's assertion. Applicants respectfully submit that the section of Cha cited by the Office describes a kind of price reasonability check before the next condition is triggered. In other words, the cited embodiment of Cha triggers the next condition only "when the present price at the stock market reaches an established price of established automatic trade condition." (See, e.g., Cha, paragraph 76). Once the condition is triggered, an order associated with the triggered condition is generated and sent. Applicants respectfully submit that Cha does not disclose determining whether to submit a buy order or a sell order based on the present price.

Therefore, Applicants respectfully submit that independent Claim 1 should be allowable over the cited art of record for at least this additional reason. With respect to Claims 2-12 and new Claims 35-39, these claims depend from independent claim 1. Applicants respectfully submit that at least because Claim 1 should be allowed for the reasons discussed above, Claims 2-12 and 35-39 should also be allowed.

IV. Claim Rejection under 35 U.S.C. § 103

Applicants now turn to the rejection of Claims 13-14 under 35 U.S.C. 103(a) as being unpatentable over Cha in view of Official Notice. Applicants respectfully traverse the rejection.

Claims 13-14 depend from Claim 1, and as discussed above, Cha fails to teach or suggest all of the features of Claim 1. Applicants respectfully submit that at least because Claim 1 should be allowed for the reasons discussed above, Claims 13-14 should also be allowed.

Applicants respectfully submit that courts have long rejected the notion that the official notice can be taken on the state of the art. (*See Memorandum to Patent Examining Corps from the Deputy Commissioner for Patent Examining Policy regarding Procedures for Relying on Facts Which are Not of Record as Common Sense or for Taking Official Notice*, n.6, *citing In re Eynde*, 480 F.2d 1364, 1370, 178 USPQ 470, 474 (CCPA 1973)).

In the Advisory Action, the Office asserts that Applicants failed to adequately address the Official Notice, because Applicants failed to argue why the Official Notice statements are not to be considered the common knowledge. Applicants respectfully disagree. In the Response of October 15, 2008, Applicants argued that Examiner's searched and cited references found during the Examiner's search were indicative of the knowledge commonly held in the art, and that none of the found references suggested the subject matter of the Examiner's assertion of the Official Notice.

With respect to Claim 13, the Office stated in the Final Office Action that "it was well known in the art, at the time the applicant submitted the application to automatically update websites on a set schedule." Applicants respectfully submit that Claim 13 is not directed to updating websites. Rather, Claim 13 recites "displaying … a time left before the actual event value is released." To the extent of the asserted Official Notice, Applicants respectfully submit that a prima facie case of obviousness was not shown by the Office.

With respect to Claim 14, the Office stated in the Final Office Action that "it was well known in the art, at the time applicant submitted the application to store when a stock price was updated." Applicants respectfully submit that Claim 14 is not directed to storing when a stock price was updated. Rather, Claim 14 recites "once the actual event value is received, displaying a time since the release of the actual event value." The Office continues "[m]ultiple systems such as ameritrade and etrade all had this feature." To the extent of the asserted Official Notice,

Applicants respectfully submit that a prima facie case of obviousness was not shown by the Office.

Consequently, Applicants respectfully submit that the prior art does not teach the subject matter of the Examiner's assertions of Official Notice and respectfully traverses the Examiner's assertions and/or use of Official Notice. To the extent that the rejection of these claims is not withdrawn, Applicants hereby request the Examiner to supply an affidavit supporting such facts and/or Official Notice, as required by the MPEP at 2144.03 to afford Applicants an opportunity to challenge the correctness of the assertion.

V. Conclusion

Applicants respectfully submit that the rejections are obviated and that the pending claims are in a condition for allowance. Favorable reconsideration is respectfully requested, and at a minimum, Applicants request the withdrawal of the final rejections. The Examiner is invited contact Trading Technologies in-house Patent Counsel Monika Dudek at 312-476-1118 if it would expedite prosecution.

Respectfully submitted,

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